

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Respondent,)	
)	
v.)	Case No. 07-CR-041-GKF
)	
)	
STEPHANIE J. CRAWFORD,)	
)	
Defendant.)	

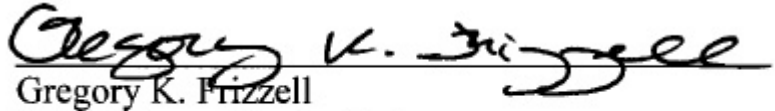
OPINION AND ORDER

This matter is before the Court on the defendant Stephanie J. Crawford's ("Crawford") Motion for Hearing. (Dkt. #140, submitted as Dkt. #139). Crawford moves for a hearing in support of her 28 U.S.C. §2255 motion (Dkt. #102) to have her sentence vacated. Crawford has raised an issue of fact regarding whether an additional quantity of methamphetamine may have been planted in the apartment. Crawford cites Officer Gray's recent admission that methamphetamine was found on Crawford and Hill's persons, rather than in the apartment. (Dkt. #110, p.2). This statement directly contradicts the testimony of Agent McFadden at Crawford's detention hearing, who indicated that drugs were found inside the apartment. (Dkt. #110-2, p.17).

Rule 8(a) of Section 2255 Rules provides district courts with the authority to conduct evidentiary hearings to test whether a conviction was imposed in violation of the Constitution. Given the material discrepancy between Officer Gray's recent statements and the detention hearing testimony, the Court finds that an evidentiary hearing would be useful to its determination on this motion.

WHEREFORE the Court orders that an evidentiary hearing be set and held after the resolution of Crawford's Motion to Compel Discovery (Dkt. #111) by the Magistrate Judge. Crawford's Motion for Hearing (Dkt. #140) is granted.

IT IS SO ORDERED this 2nd day of November, 2010.

A handwritten signature in black ink, reading "Gregory K. Frizzell". The signature is written in a cursive, flowing style. The first name "Gregory" is written with a large, prominent "G". The middle initial "K." is written in a smaller, more compact script. The last name "Frizzell" is written with a long, sweeping "l" that extends to the right.

Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma